

**PUBLIC SAFETY AND FIREFIGHTER RETIREMENT DEATH
BENEFIT AMENDMENTS**

2018 GENERAL SESSION

STATE OF UTAH

LONG TITLE

General Description:

This bill modifies the Utah State Retirement and Insurance Benefit Act by amending provisions relating to retirement death benefits for certain public safety service employees and firefighter service employees.

Highlighted Provisions:

This bill:

- ▶ amends the death benefits payable to a member of Division B in the Public Safety Noncontributory Retirement Act;
- ▶ amends the death benefits payable to a member of the Firefighters' Retirement Act;
- and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

49-15-502, as last amended by Laws of Utah 2016, Chapter 84

49-16-501, as last amended by Laws of Utah 2016, Chapter 84

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **49-15-502** is amended to read:

49-15-502. Death of active member in Division B -- Payment of benefits.

(1) If an active member of this system enrolled in Division B under Section 49-15-301 dies, benefits are payable as follows:

(a) If the death is classified by the office as a line-of-duty death, the surviving spouse shall receive:

(i) a lump sum equal to six months of the active member's final average salary; and

(ii) (A) an allowance equal to 37.5% of the member's final average monthly salary[-];

or

(B) if the member has accrued 20 or more years of public safety service credit, the greater of:

(I) an allowance equal to 37.5% of the member's final average monthly salary; or

(II) the death benefit payable to a surviving spouse under Section 49-15-504.

(b) If the death is not classified by the office as a line-of-duty death, and the member has accrued two or more years of public safety service credit at the time of death, the death is considered line-of-duty and the surviving spouse shall receive:

(i) a lump sum of \$1,500; and

(ii) an allowance as provided under Subsection (1)(a)(ii).

(c) If the death is not classified by the office as a line-of-duty death, and the member has accrued less than two years of public safety service credit at the time of death, the surviving spouse shall receive a refund of the member's member contributions, plus 50% of the member's most recent 12 months' compensation.

(d) (i) If the member has accrued two or more years of public safety service credit at the time of death, each of the member's unmarried children to age 18 or dependent unmarried children with a mental or physical disability shall receive an allowance of \$50.

(ii) Payments shall be made to the surviving parent or to a duly appointed guardian, or as otherwise provided under Section 49-11-609 or 49-11-610.

(2) If the member dies and there is no surviving spouse, any amounts that would have been the surviving spouse's benefit shall be prorated and paid to each of the member's unmarried children to age 18.

(3) If a benefit is not distributed under Subsection (1) or (2), and the member has designated a beneficiary, the member's member contributions shall be paid to the beneficiary.

(4) The combined payments to beneficiaries of any member under this section may not exceed 75% of the member's final average monthly salary.

(5) (a) A surviving spouse who requests a benefit under this section shall apply in

63 writing to the office.

64 (b) The allowance shall begin on the first day of the month:

65 (i) following the month in which the member died, if the application is received by the
66 office within 90 days of the member's death; or

67 (ii) following the month in which the application is received by the office, if the
68 application is received by the office more than 90 days after the member's death.

69 Section 2. Section **49-16-501** is amended to read:

70 **49-16-501. Death of active member in Division A -- Payment of benefits.**

71 (1) If an active member of this system enrolled in Division A under Section 49-16-301
72 dies, benefits are payable as follows:

73 (a) If the death is classified by the office as a line-of-duty death, benefits are payable as
74 follows:

75 (i) If the member has accrued less than 20 years of firefighter service credit, the
76 surviving spouse shall receive a lump sum equal to six months of the active member's final
77 average salary and an allowance equal to 30% of the member's final average monthly salary.

78 (ii) If the member has accrued 20 or more years of firefighter service credit, the
79 member shall be considered to have retired with an allowance calculated under Section
80 49-16-402 and the surviving spouse shall receive the death benefit payable to a surviving
81 spouse under Section 49-16-504.

82 (b) If the death is not classified as a line-of-duty death by the office, benefits are
83 payable as follows:

84 (i) If the member has accrued less than 10 years of firefighter service credit, the
85 beneficiary shall receive a sum of \$1,000 or a refund of the member's member contributions,
86 whichever is greater.

87 (ii) If the member has accrued 10 or more years of firefighter service credit but less
88 than 20 years of firefighter service credit, the surviving spouse shall receive a sum of \$500,
89 plus an allowance equal to 2% of the member's final average monthly salary for each year of
90 service credit accrued by the member up to a maximum of 30% of the member's final average
91 monthly salary.

92 (iii) If the member has accrued 20 or more years of firefighter service credit:

93 (A) the member shall be considered to have retired with an allowance calculated under

94 Section 49-16-402; and

95 (B) the surviving spouse shall receive the death benefit payable to a surviving spouse
96 under Section 49-16-504.

97 (2) (a) If the member dies without a surviving spouse, the surviving spouse's allowance
98 shall be equally divided and paid to each unmarried child until the child reaches age 21.

99 (b) The payment shall be made to a duly appointed guardian or as provided under
100 Sections 49-11-609 and 49-11-610.

101 (3) If the benefit is not distributed under this section, and the member has designated a
102 beneficiary, the member's member contributions shall be paid to the beneficiary.

103 (4) (a) A surviving spouse who requests a benefit under this section shall apply in
104 writing to the office.

105 (b) The allowance shall begin on the first day of the month:

106 (i) following the month in which the member died, if the application is received by the
107 office within 90 days of the member's death; or

108 (ii) following the month in which the application is received by the office, if the
109 application is received by the office more than 90 days after the member's death.

110 **Section 3. Effective date.**

111 This bill takes effect on July 1, 2018.